**S.B.CRIMINAL MISC. BAIL APPLICATION NO.2095/2007**

**(Kheta Ram & Ors. vs. State of Rajasthan)**

DATE OF ORDER : July 09, 2007

**HON'BLE MR.H.R.PANWAR,J.**

Mr.M.K.Garg, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioners as well as the Public Prosecutor for the State. Perused the order impugned.

Learned counsel for the petitioners submits that the complainant has entered into the compromise. An affidavit of the complainant attested by the Notary Public has been placed on record.

From perusal of the order impugned, it appears that petitioner No.1 Kheta Ram was armed with a gun. In this view of the matter, the learned counsel for the petitioners does not want to press the bail application filed by petitioner No.1 Kheta Ram.

The bail application filed by petitioner No.1 Kheta Ram is dismissed as not pressed.

However, having regard to the facts and circumstances of the case and the fact that no specific act has been assigned to petitioners No.2 and 3 and the fact that parties have compromised the matters, the effect of compromise will be seen

at the trial, without commenting on the merit of the case, I think it just and proper to grant anticipatory bail to the petitioners No.2 and 3.

Accordingly, it is directed that in the event of arrest of petitioners No.2 Gyana Ram s/o Harji Ram and Ishar Ram s/o Harji Ram in FIR No.48/2007, P.S. Kolayat, Distt. Bikaner, they shall be released on bail for a period till the police concludes the investigation and files the challan provided each of them furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount each to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i) That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

The petitioners No.2 Gayan Ram and Ishar Ram shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-